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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

On June 23, 2009

John R. Storella



**PATENT**

**Attorney Docket No. 1004-001.CIP**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:

Inventor: Gregory E. Conner

Application No.: 10/771,057

Filed: February 3, 2004

Title: **NOVEL METHODS AND DEVICES  
FOR TREATING LUNG DYSFUNCTION**

Examiner: James Henry Alstrum Acevedo

Group Art Unit: 1616

Confirmation No: 1518

Customer No. 87155

**STATEMENT UNDER 37 C.F.R. § 1.97**

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

M/S RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

An Information Disclosure Statement along with attached PTO/SB/08 is hereby submitted.

The Examiner is requested to review the information provided and to make the information of record in the above-identified application. The Examiner is further requested to initial and return the attached PTO/SB/08 in accordance with MPEP § 609.

The right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered, is hereby reserved.

USSN 10/771,057

Docket No.: 1004-001.CON

Gregory E. Conner.

Response to Office Action dated February 2, 2009

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in 37 C.F.R. § 1.56.

A. 37 C.F.R. § 1.97(b). This Information Disclosure Statement should be considered by the Office because:

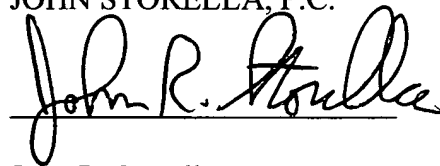
- ☐ (1) It is being filed within three months of the filing date of a national application other than a continued prosecution application under §1.53(d)
- ☐ (2) It is being filed within three months of the date of entry of the national stage as set forth in 1.491 in an international application;
- ☐ (3) It is being filed before the mailing of the first Office action on the merits;
- ☒ (4) It is being filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.

The Commissioner is authorized to charge any fees in connection with this filing, or to credit any overpayment associated with this communication, to Deposit Account No. 50-4950.

Respectfully submitted,

JOHN STORELLA, P.C.

By:



John R. Storella  
Registration No. 32,944

Date: June 23, 2009

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**Customer No. 87155**

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
( Not for submission under 37 CFR 1.99)

Application Number	10771057
Filing Date	2004-02-03
First Named Inventor	Gregory E. Conner
Art Unit	1616
Examiner Name	Altrum Acevedo, James Henry
Attorney Docket Number	1004-001.CIP

**CERTIFICATION STATEMENT**

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

**OR**

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

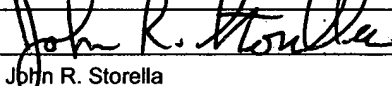
☒ See attached certification statement.

☐ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☐ None

**SIGNATURE**

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature		Date (YYYY-MM-DD)	2009-06-23
Name/Print	John R. Storella	Registration Number	32944

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**